Page 1 of 2

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0264-PWS-E **TCEQ ID:** RN101227676 **CASE NO.:** 32759 **RESPONDENT NAME:** Hydro Conduit of Texas, LP dba Rinker Materials Moor-Tex

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
facility location. INTERESTED PARTIES: No one other than the COMMENTS RECEIVED: The Texas Register CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: No TCEQ Enforcement Coordinator: Mr. Steven Lopez, Enforcement Division, No Respondent: Mr. Chad Holden, General	plaints were received. There is no record of addition the ED and the Respondent has expressed an interest comment period expired on June 18, 2007. No constone r. Epifanio Villareal, Enforcement Division, Enforce MC 219, (512) 239-1896 al Manager, Rinker Materials Moor-Tex, Post Office and by counsel on this enforcement matter	in this matter. mments were received. ment Team 2, MC 169,R-13 (210) 403-4033; Mr.

DOCKET NO.: 2007-0264-PWS-E

VIOLATION SUMMARY CHART: VIOLATION INFORMATION PENALTY CONSIDERATIONS CORRECTIVE ACTIONS OF T TAKEN/REQUIRED Type of Investigation: Total Assessed: \$1,552 **Ordering Provisions:** Complaint The Order will require the Respondent to: X Routine Total Deferred: \$310 ___ Enforcement Follow-up X Expedited Settlement Records Review a. Within 10 days after the effective date of this Agreed Order, Hydro Conduit shall: __Financial Inability to Pay Date of Complaint Relating to this Case: None i. Begin maintaining an up-to-date chemical and SEP Conditional Offset: \$0 microbiological monitoring plan for the Date of Investigation Relating to this Case: distribution system; and Total Paid to General Revenue: \$1,242 December 12, 2006 ii. Prepare and begin submitting DLQORs to the Site Compliance History Classification Date of NOE Relating to this Case: January High __Average __Poor Commission in a timely manner. 26, 2007 (NOE) Person Compliance History Classification b. Within 15 days after the effective date after Background Facts: This was a routine __ High __X Average __ Poor the effective date of this Agreed Order, submit investigation. Three violations were written certification and include supporting documented. Major Source: ___ Yes _X_ No documentation including photographs, receipts, and/or other records to demonstrate compliance WATER Applicable Penalty Policy: September 2002 with Ordering Provision a. . Josephanista y 1) Failed to employ a water works operator that c. Within 30 days after the effective date of this holds a Class D or higher license [30 Tex. Agreed Order, employ a water works operator ADMIN. CODE § 290.46(e)(4)(A) and TEX. who holds a minimum of a Class D license, in HEALTH & SAFETY CODE § 341.033(a)]. accordance with 30 Tex. ADMIN. CODE & 290.46.1 2) Failed to maintain an up-to-date chemical and microbiological monitoring plan for the d. Within 45 days after the effective date of this distribution system that identifies all locations Agreed Order, submit written certification where routine sampling for microbial including detailed supporting documentation contaminants will be conducted [30 Tex. including photographs, receipts, and/or other ADMIN. CODE § 290.121(a) and (b)]. records to demonstrate compliance with Ordering Provision c. 3) Failed to submit a Disinfectant Level Ouarterly Operating Report ("DLOOR") to the Commission each quarter by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)].

	Penalty Calculation	n Worksheet (P	CW)	
Policy Revision 2 (Sep	tember 2002)		PCW Revision J	anuary 9, 2007
<u>TCEQ</u>	T 5 5-1- 0007			
DATES Assigned PCW	The state of the s	EPA Due		The state of the s

RESPONDENT/FACILITY				_
Respondent	Hydro Conduit of Texas, LP dba Rinker Mate	erials Moor-Tex		_
Reg. Ent. Ref. No. Facility/Site Region		Major/Minor Source	Minor	-
Tacility/ofte (tegion	12 110001011		Line in the second seco	
CASE INFORMATION				
Enf./Case ID No.		No. of Violations		-
	2007-0264-PWS-E Public Water Supply	Order Type Enf. Coordinator		- I
Media Program(s) Multi-Media			EnforcementTeam 2	
Admin. Penalty \$		\$1,000		
	Penalty Calcula	ation Section		A COLUMN
				£4.4E0
TOTAL BASE PENAI	LTY (Sum of violation base penaltic	98) % (Subtotal 1	\$1,150
ADJUSTMENTS (+/-)	TO SURTOTAL 1			Av ministrativo
	ined by multiplying the Total Base Penalty (Subtotal 1) by			· · · · · · · · · · · · · · · · · · ·
Compliance Hist	ory 35%	Enhancement Subt	otals 2, 3, & 7	\$402
	The penalty enhancement is due to two	prior Notices of Violation		
A STATE OF THE STA	containing violations that are the same as	or similar to the violations in		**************************************
Notes	the current enforcement action and one pr			WALKING WAIKING WALKING WALKING WALKING WAIKING WAIKING WALKING WAIKING WAIKIN
	does not contain denial of	of liability.		
			Subtotal 4	\$0
Culpability	No 0%	Enhancement	Subtotal 4	
Notes	The respondent does not meet the	e culpability criteria.		QQQQVinglabaconmer
Good Faith Effor	rt to Comply 0%	Reduction	Subtotal 5	\$0
	Before NOV NOV to EDPRP/Settlement Offer		-	
Extraordinary				outgraphy of
Ordinar				Advenue
N/A	X (mark with x)		1	4000000
Notes	The respondent does not meet the	e good faith criteria.		MILLOON PROPERTY OF THE PROPER
	The state of the s			And Address
		Enhancement*	Subtotal 6	\$0
Approx	Total EB Amounts \$9,687 *Cappe Cost of Compliance \$10,600 *Cappe	d at the Total EB \$ Amount		ogrania de la compania del compania de la compania del compania de la compania del la compania de la compania del compania del compania del compania del com
прргод	Ψ10,000			
SUM OF SUBTOTAL	-S 1-7 (1) (1) (1) (1) (2) (2) (3) (3)		Final Subtotal	\$1,552
OTHER EAGTORS	A HIGTIGE MAY DECLUBE.		Adicalment	\$0
	AS JUSTICE MAY REQUIRE Subtotal by the indicated percentage. (Enter number on	ly: e.g30 for -30%)	Adjustment	Ψυ
Reduces of efficiences the final	Subtotal by the indicated percentage. (Enter names on	iy, o.g. 00 (or 00/0)	7	
Notes		Maria Caranta de Caran		
		Final Pe	enalty Amount	\$1,552
<u> </u>		er en		\$1,552
STATUTORY LIMIT	ADJUSTMENT	Final Ass	essed Penalty	\$1,552
DECEDEAL		20% Reduction	Adjustment	-\$310
DEFERRAL Reduces the Final Assessed Pe	enalty by the indicted percentage. (Enter number only; e.		Aujustinelit	
	, , , , , , , , , , , , , , , , , , , ,	<u> </u>		
Notes	Deferral offered for expedite	ed settlement.		
•		en de la companya de		A. 0.:-
PAYARI F PENALT	Y .		·	\$1,242

PAYABLE PENALTY

Screening Date 22-Feb-2007

Docket No. 2007-0264-PWS-E

PCW

Respondent Hydro Conduit of Texas, LP dba Rinker Materials Moor-T Case ID No. 32759

Policy Revision 2 (September 2002) PGW Revision January 9, 2007

Reg. Ent. Reference No. RN101227676

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

	to the state of the two	Written NOVs with same or similar violations as those in the current enforcement action	Contract of the	1
	NOVs	(number of NOVs meeting criteria)	2	10%
	4.30	Other written NOVs		0%
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of llability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	25%
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	Ó	0%
	Emissions	Chronic excessive emissions events (number of events)	. 0	0%
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	.0 🐃	0%
		Pleas	se Enter Yes or No	
		Environmental management systems in place for one year or more	No	0%
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
		Participation in a voluntary pollution reduction program	No	0%
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
		Adjustment P	ercentage (Su	btotal 2)
e	at Violator (Su	btotal 3)		
	N/A	Adjustment P	ercentage (Su	btotal 3)
np	liance History	Person Classification (Subtotal 7)	repair a	
	Average Po	erformer Adjustment P	ercentage (Su	btotal 7)
np	liance History	Summary	outsettare en ar	
	Compliance History Notes	The penalty enhancement is due to two prior Notices of Violation containing violations that ar or similar to the violations in the current enforcement action and one prior administrative order contain denial of liability.		i v
		Total Adjustment Percentage		

Screening Date	22-Feb-2007	Docket No. 2007	7-0264-PWS-E	PCW
Respondent	Hydro Conduit of Texas, LP	dba Rinker Materials Moor-Tex	(Policy Revision 2 (September 2002)
Case ID No.				PCW Revision January 9, 2007
Reg. Ent. Reference No.	RN101227676			MANUFACTOR
	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			WWW.thuse
Violation Number	1			- Control of the Cont
Rule Cite(s)	30 Tex. Admin. Code § 29	90.46(e)(4)(A) and Tex. Health 6	& Safety Code § 341.0)33(a)
Violation Description		ublic water supply operation is perator who holds a minimum o		vision
			Base F	Penalty \$1,000
>> Environmental, Property a	and Human Health Mat	rix desira massallars	ALL MARKET PROPERTY AND AND ADDRESS OF THE ADDRESS	and Address of the Control of the Co
Control (12-05)	Harm		\$ (\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	
Release OR Actual Potential		Minor Per	cent 25%	
And here is a second of the se		CASS CONTRACTOR CONTRACTOR		
>>Programmatic Matrix Falsification	Major Moderate	Minor		•
Faisincation	Wajor Woderate		cent 0%	
	<u></u>		<u> </u>	
Matrix Notes Without a li supply cou	lld result in customers of the	r managing the facility, imprope water supply being exposed to hat are protective of human hea	contaminants which v	water vould
	Sales and Applications	Adju	stment	\$750
Menandania				\$250
•				2004 00 00 00 00 00 00 00 00 00 00 00 00
Violation Events	ASSESSED AND SERVICE OF THE SERVICE			LANCE CONTRACTOR
Number of Vi	olation Events 3	72 Nur	mber of violation days	
mark only one with an x	daily monthly x quarterly semiannual annual single event		Violation Base	Penalty \$750
Three mon		ed from the date of the investigated from the date of the investigated from the date of th	ation, December 12, 2	006 to
Economic Benefit (EB) for th	nis violation	St	atutory Limit Test	
Estimate	ed EB Amount	\$9,292	Violation Final Penal	ty Total \$1,012
		Γhis violation Final Assessed	Penalty (adjusted fo	r limits) \$1,012

Media Violation No.	RN101227676 Public Water Si 1	upply				Percent Interest	Years of Depreciation
				4000	Sun spillending	5.0	
	Item Cost	Date Required	Final Date	Yrs		Onetime Costs	EB Amount
Item Description			otao saning kantinen	Marian.	trei in de la completa de		
Delayed Costs_	edistante en beste en se	Ta Little Medical Sales	r de la companya de l	Marie J	elar icandelestados		
Equipment				0.0	\$0	\$0	\$0
Buildings	Live Live			0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction		Page 1 (1900) Library	الهوف والمتحارب والمتحارب	0.0	\$0	\$0	\$0
Land			التوريدية أربي وفراك	0.0	\$0	n/a	\$0 .∀
Record Keeping System				0,0	\$0	in/a	\$0 \$0
Training/Sampling			<u> </u>	0.0	\$0 \$0	n/a (1466)	\$0 \$0
Remediation/Disposal Permit Costs				0.0	\$0 \$0	n/a n/a	\$0 \$0
Other (as needed)		The Control of the State of the Control of the Cont	(21) Sec. (21) (22) (23)	0.0	\$0 \$0	n/a	\$0 \$0
ll l							
Notes for DELAYED costs					layi, salis sayas y Latin dayas salah	Paris Variable	A COLONARI A COLONARI
Avoided Costs_	ANN	UALIZE [1] avoide	and and a second	ntering	item (except for	one-time avoided	costs)
Avoided Costs Disposal			d costs before e	ntering	item (except for	one-time avoided	costs) \$0
Avoided Costs Disposal Personnel	\$10,000	UALIZE [1] avoide	and and a second	ntering	item (except for \$0 \$442	one-time avoided \$0 \$8,849	\$0 \$9,292
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling			d costs before e	0.0 0.9 0.0	item (except for \$0 \$442 \$0	one-time avoided \$0 \$8,849 \$0	\$0 \$0 \$9,292 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment			d costs before e	0.0 0.9 0.0 0.0	item (except for \$0 \$442 \$0 \$0	one-time avoided \$0 \$8,849 \$0 \$0	\$0 \$9,292 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			d costs before e	0.0 0.9 0.0 0.0 0.0	item (except for \$0 \$442 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$8,849 \$0 \$0 \$0	\$0 \$9,292 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment			d costs before e	0.0 0.9 0.0 0.0	item (except for \$0 \$442 \$0 \$0	one-time avoided \$0 \$8,849 \$0 \$0	\$0 \$9,292 \$0 \$0

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Scre	ening Date	22-Feb - 2007	***************************************	Dock	et No. 2007-0264-P	WS-E	PCW
.	Respondent	Hydro Conduit	of Texas, LP	dba Rinker Materia	Is Moor-Tex	Policy R	evision 2 (September 2002)
(Case ID No.	32759				PCI	W Revision January 9, 2007
Reg. Ent. Re	ference No.	RN101227676					
Med	lia [Statute]	Public Water S	Supply				
Enf. (Coordinator	Epifanio Villarre	eal				
Viol	ation Number	2	71				,
	Rule Cite(s)		30 Te	ex. Admin. Code § 2	290.121(a) and (b)		
Violatio	on Description	distribution	intain an up-to system that io	o-date chemical and dentifies all location	d microbiological mon s where routine samp lly, at the time of the i	ling for microbial	
ngg sanning sanning, dir. winningsber 1804 (1804 (1804 (1804 (1804 (1804 (1804 (1804 (1804 (1804 (1804 (1804 (0.55 c - 1 15 0 c 1 100 c 110 c 150 c 150 c		ententaciones danabel el 4.00	. Program organización (S. C. S.		Base Penalty	\$1,000
>> Environmenta	I, Property a	nd Human F		'i X			
	Release	Major	Harm Moderate	Minor			
OR	Actual	Wajoi	Moderate				The state of the s
nseed of	Potential				Percent	0%	
	L					••••	
>>Programmatic	Matrix			entalis en			
	Falsification	Major	Moderate	Minor			***
		X L			Percent	10%	
	I						1
Matrix Notes			100% of the	e rule requirement v	was not met		
nindag da yang da yang da kanalan		an or being the all facilities of a	e de grani en de primisações de de la companya de l La companya de la co	r Samana ay ing Panjalah ya	Adjustment	\$900	
							\$100
					COLUMN THE STATE OF THE STATE O		186
Violation Events	z róganiagosen sob	ti in a series	Agerry Frys 1 (1)	s, complete desire	i makamatan	g verbigbert de tra	
		re		Proceedings			
	Number of Vic	lation Events	1 1	<u> </u>	72 Number of v	iolation days	
		I ⊿anu ∏					
TOTAL PARTY AND THE PARTY AND		daily monthly					
-	mark only one	quarterly			Vio	lation Base Penalty	, \$100
	with an x	semiannual					
		annual					
		single event	X				
	*************************************						- 1
			One sin	igle event is recomi	mended.		
							1
Economic Benef	it (EB) for th	is violation			Statutory	Limit Test	
	Estimate	d EB Amount[\$4	Violation	Final Penalty Tota	§135
		~		This said to the comme	.l A	(adjusted for limits) \$135
Lancate and the second			A government of the state of the	inis violation Fina	l Assessed Penalty	(aujusted for limits	ار ۱۵۵

eg, Ent. Reference No.	32759 RN101227676						. 4.4
	Public Water S	upply				Percent Interest	Years of Depreciation
					PART OF THE DATE OF THE STATE OF	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	AMPRICA STATES				ute tatelan	
Delayed Costs	ing Claim Hyllinders Claim	reactives of the professional and the second	ningalari serenci si dentra ci	urigita (Sessies			
Equipment			one of the second	0.0	\$0	\$0	\$0
Bulldings			SHITTE STEEL	0.0	/ \$0	\$0	\$0
Other (as needed)	Constant August 1		de Agranda para Santal	0.0	\$0	\$0	\$0
Engineering/construction	تبينا والمستوالية			0,0	\$0	\$0	\$0
Land			<u> Status Sandara</u>	0,0	\$0	n/a	\$0
Record Keeping System	\$100	12-Dec-2006	10-Sep-2007	0.7	\$4	n/a	\$4
Training/Sampling			Land Color of the Color	0.0	\$0	n/a	\$0
Remediation/Disposal		aha shadsan ada		0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	monitoring pla		arrestt i	omplian	ice.	vestigation to the es	
Avoided Costs	ANN	UALIZE [1] avoide	au costs perore e	nterina			costs)
Avoided Costs	ANN	UALIZE [1] avoide	eu costs perore e	ntering 0.0	\$0	\$0	
The state of the s	ANN	UALIZE [1] avoide	eu costs perore e				\$0 \$0
Disposal Personnel	e e e e e e e e e e e e e e e e e e e	UALIZE [1] avoide	La costs delore e	0.0	\$0	\$0	\$0
Disposal Personnel	and the second	UALIZE [1] avoide	Harman Barana Ba	0.0	\$0 \$0	\$0 \$0:	\$0 \$0
Disposal Personnel nspection/Reporting/Sampling	and the second	UALIZE [1] avoide	Equation (Control of the Control of	0.0 0.0 0.0	\$0 \$0 \$0	\$0 \$0:50 \$0	\$0 \$0 \$0
Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	and the second	UALIZE [1] avoide	Learning and the second	0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel nspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]	and the second	UALIZE [1] avoide	La Costs Defore e	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0

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e de la compania del compania de la compania del compania de la compania del compania de la compania de la compania de la compania de la compania del compania de la compania del compania dela compania del compania del compania del compania del compania de

Respondent Hydro Conduit of Texas, LP dba Rinker Materials Moor-Tex Case ID No. 32759 PCW Revision 2 (Septem PCW Revision 2 (Septem PCW Revision 2) PCW Revision Janua Reg. Ent. Reference No. RN101227676 Media [Statute] Public Water Supply	
Reg. Ent. Reference No. RN101227676	ry 9, 2007
	1
Media [Statute] Public Water Supply	
	1000000
Enf. Coordinator Epifanio Villarreal	
Violation Number 3	
Rule Cite(s) 30 Tex. Admin. Code § 290.110(e)(4)	
Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Commission each quarter by the tenth day of the month following the end of each quarter. Specifically, at the time of the investigation, the investigator documented that no DLQOR reports were provided.	
Base Penalty	\$1,000
>> Environmental, Property and Human Health Matrix	
Harm	
Release Major Moderate Minor OR Actual	
Potential Percent 0%	
>>Programmatic Matrix	1
Falsification Major Moderate Minor	1
X Percent 10%	
Matrix Notes 100% of the rule requirement was not met	THE ACTION AND ACTION AS A STATE
Adjustment \$900	
	\$100
	ψισσ
Violation Events	
20 (200 Feb. 2010) 1 (200 Feb.	
Number of Violation Events 3 Number of violation days	
daily	
monthly Violation Base Penalty Violation Base Penalty	\$300
mark only one quarterly x Violation Base Penalty with an x semiannual	
annual	
single event	
■ 3000(2000) (2	
Three quarterly events are recommended for the first three quarters of 2006, which are the quarters	
immediately preceding the December 12, 2006 investigation.	
Economic Benefit (EB) for this violation Statutory Limit Test	paparan A &
Estimated EB Amount \$391 Violation Final Penalty Total	\$405
This violation Final Assessed Penalty (adjusted for limits)	\$405
THIS VIOLATION FINAL ASSESSED FEMALY (AUJUSTED TO THINKS)	\$ 10 0

Case ID No. Reg. Ent. Reference No.	Hydro Condult 32759	CONOMIC E of Texas, LP dba R		on was to be			
	Public Water S	upply			er est. Espainiste	Percent Interest	Years of Depreciation
tar tegrande († 24 Meist Meister)		a na fidial la reco	20100-2014001		telbare managine	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	Mark Complete Complete Complete	grift in 19		1 - 1 4 4 4 90	storpelari elitarectificato.	
g2	(17)	of the Right property	1. 11.1 1 1513 11			. 1.	
Delayed Costs		a se enga sepakakananga.	Aut Brooking Control of	10.00			
Equipment	Approximation (200 CM)			0,0	\$0	\$0	\$0
Buildings	Independent	2014:1214:131	u distribution di ind	0.0	\$0	\$0	\$0
Other (as needed)	A Constitution	14. 3. 1. Sales		0.0	\$0	\$0	\$0
Engineering/construction				0,0	\$0	\$0	\$0
Land				0.0	\$0	"" n/a	\$0
Record Keeping System			and the second of	0.0	\$0	i n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	45 a. 15 15 54		Proceedings of Pro-	0.0	\$0	n/a	\$0
· 12							
Permit Costs				0.0	\$0	n/a	\$0
Permit Costs Other (as needed)	g of the same			0.0	\$0 \$0	n/a	\$0
			المالة المتعادية	0.0	\$0 2007 004(63)	n/a	SO SERVESTED Y
Other (as needed)	ANN	UALIZE [1] avoide	المالة المتعادية	0.0	\$0	n/a	\$0
Other (as needed) Notes for DELAYED costs	أفأغا أثأنا تنسين عمريوناه	الانفي ويرون والطائد تشتيب والمالية	المالة المتعادية	ntering	item (except for	n/a	SO S
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	58465371	Thirting of control of the control o	d costs before e	ntering	item (except for \$0 \$0 \$0	one-time avoided	\$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	أفأغا أثأنا تنسين عمريوناه	الانفي ويرون والطائد تشتيب والمالية	المالة المتعادية	ntering 0.0 0.0 0.0 0.7	\$0 item (except for \$0 \$0 \$19	one-time avoided \$0 \$0 \$373	\$0 Costs) \$0 \$0 \$391
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	58465371	Thirting of control of the control o	d costs before e	ntering 0.0 0.0 0.7 0.0	\$0 	one-time avoided \$0 \$0 \$303 \$373 \$0	\$0 Costs) \$0 \$0 \$391 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	58465371	Thirting of control of the control o	d costs before e	ntering 0.0 0.0 0.0 0.7 0.0 0.0	\$0 	one-time avoided \$0 \$373 \$0 \$0	\$0 Costs) \$0 \$0 \$391 \$0 \$0
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Compliance History Customer/Respondent/Owner-Operator: CN601047673 Hydro Conduit of Texas, LP Classification: AVERAGE RN101227676 RINKER MATERIALS MOOR-TEX Classification: Regulated Entity: REGISTRATION PUBLIC WATER SYSTEM/SUPPLY ID Number(s): 2735 HWY. 36 NORTH, SEALY, TX, 77474 Location: **REGION 12 - HOUSTON** TCEQ Region: February 22, 2007 Date Compliance History Prepared: Agency Decision Requiring Compliance History: Enforcement Compliance Period: February 22, 2002 to February 22, 2007 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Epifanio Villarreal Phone: 210-403-4033 Name: **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No N/A 3. If Yes, who is the current owner? 4. if Yes, who was/were the prior owner(s)? N/A N/A 5. When did the change(s) in ownership occur? Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. ADMINORDER 2002-1347-PWS-E Effective Date: 07/21/2003 Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter F 290,109(c)(2)[G] 4G THC Chapter 321, SubChapter D 341.033(d) Description: Failure to collect and submit routine monthly water samples for bacteriological analysis. Classification: Moderate 30 TAC Chapter 290, SubChapter F 290.109(g)[G] Citation: 30 TAC Chapter 290, SubChapter F 290.122[G] Description: Failure to provide public notice of the failure to sample. B Any criminal convictions of the state of Texas and the federal government. N/A Chronic excessive emissions events.

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

09/16/2003

003 (248694)

03/27/2002 (IE

(IE0017903001001

02/01/2007

(536396)

04/09/2003

(31314)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 09/12/2003

(248694

Self Report?

OV

(Δ)

Classification:

Major

Rating: 6.52

Site Rating: -

0080047

Citation:

30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)

Description:

Failure to employ a water works operator holding a valid Class "D" or higher operator's

license to operate the water system.

Date: 04/10/2003 (31314)

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Self Report?

Classification:

Classification:

Major

Moderate

30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)

Citation:

Failure to employ a water works operator holding a valid Class "D" or higher operator's Description:

license to operate the water system.

Self Report?

30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Citation: Description:

Failure to maintain all related appurtenances in a watertight condition.

Environmental audits.

Type of environmental management systems (EMSs). G.

N/A

Н. Voluntary on-site compliance assessment dates.

Participation in a voluntary pollution reduction program.

N/A

Early compliance.

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
HYDRO CONDUIT OF TEXAS, LP	§	
DBA RINKER MATERIALS MOOR-	§	
TEX	§	ENVIRONMENTAL QUALITY
RN101227676	_	

AGREED ORDER DOCKET NO. 2007-0264-PWS-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Hydro Conduit of Texas, LP dba Rinker Materials Moor-Tex ("Hydro Conduit") under the authority of Tex. Health & Safety Code ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Hydro Conduit appear before the Commission and together stipulate that:

- 1. Hydro Conduit owns and operates a concrete pipe manufacturing plant with a public water supply at 2735 Highway 36 North in Sealy, Austin County, Texas (the "Facility") that has one service connection and serves at least 25 people per day for at least 60 days per year.
- 2. The Commission and Hydro Conduit agree that the Commission has jurisdiction to enter this Agreed Order, and that Hydro Conduit is subject to the Commission's jurisdiction.
- 3. Hydro Conduit received notice of the violations alleged in Section II ("Allegations") on or about January 31, 2007.
- 4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Hydro Conduit of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 5. An administrative penalty in the amount of One Thousand Five Hundred Fifty-Two Dollars (\$1,552) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Hydro Conduit has paid One Thousand Two Hundred Forty-Two Dollars

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(\$1,242) of the administrative penalty and Three Hundred Ten Dollars (\$310) is deferred contingent upon Hydro Conduit's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Hydro Conduit fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Hydro Conduit to pay all or part of the deferred penalty.

- 6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 7. The Executive Director of the TCEQ and Hydro Conduit have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Hydro Conduit has not complied with one or more of the terms or conditions in this Agreed Order.
- 9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Hydro Conduit is alleged to have:

- 1. Failed to employ a water works operator that holds a Class D or higher license, in violation of 30 Tex. ADMIN. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a), as documented during an investigation conducted on December 12, 2006.
- 2. Failed to maintain an up-to-date chemical and microbiological monitoring plan for the distribution system that identifies all locations where routine sampling for microbial contaminants will be conducted, in violation of 30 Tex. ADMIN. CODE § 290.121(a) and (b), as documented during an investigation conducted on December 12, 2006.
- 3. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Commission each quarter by the tenth day of the month following the end of each quarter, in violation of 30 Tex. Admin. Code § 290.110(e)(4), as documented during an investigation conducted on December 12, 2006.

III. DENIALS

Hydro Conduit generally denies each allegation in Section II ("Allegations").

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IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Hydro Conduit pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Hydro Conduit's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Hydro Conduit of Texas, LP dba Rinker Materials Moor-Tex, Docket No. 2007-0264-PWS-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that Hydro Conduit shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Agreed Order, Hydro Conduit shall:
 - i. Begin maintaining an up-to-date chemical and microbiological monitoring plan for the distribution system, in accordance with 30 Tex. ADMIN. CODE § 290.121; and
 - ii. Prepare and begin submitting DLQORs to the Commission in a timely manner, in accordance with 30 TEX. ADMIN. CODE § 290.110.
 - b. Within 15 days after the effective date after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.d., and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.
 - c. Within 30 days after the effective date of this Agreed Order, employ a water works operator who holds a minimum of a Class D license, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - d. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant

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Hydro Conduit of Texas, LP dba Rinker Materials Moor-Tex DOCKET NO. 2007-0264-PWS-E Page 4

penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon Hydro Conduit. Hydro Conduit is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Hydro Conduit shall be made in writing to the Executive Director. Extensions are not effective until Hydro Conduit receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against Hydro Conduit in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 7. Under 30 Tex. ADMIN. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to Hydro Conduit, or three days after the date on which the Commission mails notice of the Order to Hydro Conduit, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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Hydro Conduit of Texas, LP dba Rinker Materials Moor-Tex DOCKET NO. 2007-0264-PWS-E Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

8/21/2007 Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ sections other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Authorized Representative of

Hydro Conduit of Texas, LP dba Rinker Materials Moor-Tex

Date
General Manager Name (Printed or typed)

Instructions Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph I of this Agreed Order

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